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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,106	01/07/2002	Laird Broadfield	PYX3019C1	6156

7590 07/13/2004

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EXAMINER

CRAWFORD, GENE O

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,106

Applicant(s)

BROADFIELD ET AL.

Examiner

Gene O. Crawford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 95-141 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 95-141 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 140 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is dependant from cancelled claim 65 and hence has not been examined with regard to the prior art.

3. Claim 131 recites the limitation "said entering of information regarding contents of the receptacles into said automated dispensing machine" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. It appears claim 131 should depend from claim 122.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 95-137 and 141 are rejected under 35 U.S.C. 102(b) as being anticipated by Meador et al.

With regard to claims 95-105 and 112 –120, the apparatus and assembly disclosed by Meador et al. includes all the claimed features and in particular includes:

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**(claim 95)** a receptacle 104 having a lid 114a being individually removable from a dispensing machine 100; an information storage device 154 secured to the receptacle 104; **(claims 96, 113)** a communication contact on each receptacle 104 enabling transfer of information between the information storage device 154 and an information source 106; **(claims 97, 100)** a processor within a portion of the receptacle and a latch in association with the lid 114a where upon the processor receives a request signal from the dispensing machine 100 (column 5, lines 35-50); **(claims 98, 99, 114, 117)** the request signal being generated when an operator enters identification information into the dispensing machine via a keyboard (column 9, lines 50-55); **(claim 101)** wherein the latch includes a bimetallic actuator (column 5, lines 25-30 and column 7, lines 1-5); **(claims 102, 103, 112, 115)** including an engagement member engaging a drawer of the dispensing machine (column 7, lines 40-48); **(claim 104)** the engagement member being released from the drawer upon receiving a release signal (column 7, lines 40-48); **(claim 105)** the receptacle designed to allow a plurality of other similarly designed receptacles in the dispensing machine; **(claim 116)** a plurality of engagement receiving receptacles all separately actuatable to release one or more receptacles 104 (figure 1); **(claim 118)** the drawer being locked and cannot be unlocked without receiving an authorization code (column 9, lines 50-55 and column 6, lines 62-65); **(claim 119)** the dispensing machine 100 including a monitor 106b; and **(claim 120)** each of the receptacles adapted to download its contents information into a memory device of the automated dispensing machine (column 10, lines 11-17).

With regard to claims 106-111; 121-130; 132-137 and 141, the method for dispensing and distributing a plurality of items disclosed by Meador et al. includes all the claimed steps and in particular includes: **(claims 106, 125)** providing one or more receptacles 104 adapted for removable placement in a dispensing structure 100; providing a dispensing structure 102 adapted to receive the receptacles 104; placing the receptacles onto the dispensing structure 102; providing a signal to the dispensing structure to cause one or more receptacles to open the top (column 5, lines 25-35); **(claim 107)** the dispensing structure is a drawer 102 of an automated medication dispensing machine 100; **(claims 108, 134)** the including a latch subassembly with a bimetallic actuator (column 5, lines 25-30 and column 7, lines 1-5); **(claims 109, 135-137)** the receptacle having a machine readable chip 154 containing information regarding the items communicated to the chip via operator entered information; **(claims 110, 126)** the dispensing structure including a communication port for communicating with the chip 154 as broadly claimed; **(claim 111)** the dispensing structure connected to a computer 106 that captures data from the chip and which sends instructions to the chip (column 10, lines 11-17); **(claim 121, 122)** loading items in the receptacles and closing the lids and inputting information relative to the items loaded into each of the receptacles into the information storage device (column 9, line 10-54); **(claim 122)** providing an automated dispensing machine 100 for dispensing the items; **(claim 123)** entering information regarding the items into a memory of the dispensing machine (column 10, lines 11-17); **(claims 124, 130)** transporting loaded receptacles to a receiving station at a location for distribution and placing a loaded receptacle into the

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machine 100 (column 9, lines 4-25); **(claim 127)** the items being medical products; **(claims 128, 129)** updating inventory information in the memory of the dispensing machine 100 when contents of the receptacle are removed and automatically communicating the inventory information to a remote central computer (column 8, lines 3-10); **(claim 132)** storing receptacles at an inventory station until items are needed to replenish the dispensing machine 100 (column 9, lines 3-25); **(claim 133)** including scanning bar code labels on packages of items prior to the items being placed in the receptacles (column 9, lines 20-21); **(claims 138, 139)** wherein the source of information to be entered into the receptacles memory device is a pharmacy computer (column 9, lines 1-5); and **(claim 141)** sending a refill signal to a refill location when contents of items in the receptacles have fallen below a predetermined par value (column 8, lines 3-10).

***Allowable Subject Matter***

6. Claim 131 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: a method for the distribution of a plurality of items wherein the items are stored in one or more receptacles each having an information storage device and being individually removable from a dispensing machine including the unique step of 'the entering of information regarding the contents of receptacles into the dispensing

machine is accomplished by placing the receptacles into a docking station at the automated dispensing machine and porting data through the communication contact into a receiver port at the docking station' in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

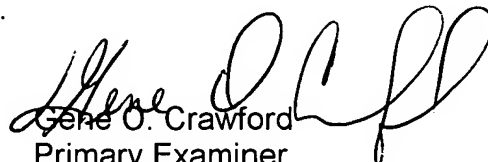
### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to receptacles and drawers having information storage devices and latching mechanisms: Rieb, Frederick et al., and Holmes.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gene O. Crawford  
Primary Examiner  
Art Unit 3651

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